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## **HAMILTON COUNTY BOARD OF COMMISSIONERS SEPTEMBER 9, 2002**

The Hamilton County Board of Commissioners met on Monday, September 9, 2002 in the Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. The public meeting was called to order by President Clark with a quorum declared present of Commissioner Sharon R. Clark, Commissioner Steven A. Holt and Commissioner Steven C. Dillinger. The Pledge of Allegiance was recited.

### **Approval of Minutes:**

Dillinger motioned to approve the minutes of August 26, 2002. Holt seconded. Motion carried unanimously.

### **Executive Session Memoranda:**

Dillinger motioned to approve the Executive Session Memoranda of September 9, 2002. Holt seconded. Motion carried unanimously.

### **Bid Opening**

#### **Highway Vehicles:**

Mr. Howard opened the bids for Highway Vehicles - **Truck 4X4 (2)**. Form 96, Non-Collusion Affidavit, Financial Statement and Acknowledgment of Addendum were included unless otherwise specified. 1) Dan Young Tipton - \$ 23,103.00 ea/ \$46,206.00 for 2 vehicles. 2) Tom Wood Ford - \$22,150.00 ea/\$44,300.00 for 2 vehicles. 3) Commercial Speciality Vehicles - \$23,826.90 ea/\$47,653.80 for 2 vehicles. 4) Wabash Ford - \$23,860.00 ea. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation at the next meeting. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. **Utility Vehicles (2)**. Form 96, Non-Collusion Affidavit, Financial Statement were included unless otherwise specified. 1) Dan Young Tipton - \$22,530.00 ea. 2) Hare Chevrolet - \$25,464.98 ea. 3) Tom Wood Ford - \$23,990.00 ea. 4) Wabash Ford - \$25,795.00 ea. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation at the next meeting. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

## **Plat Approvals (Tape 1, #258)**

### **Windsor Grove:**

#### **Shelborne Park, Sec. 1:**

Mr. Steve Broermann presented and recommended the approval of plats for Windsor Grove and Shelborne Park, Section 1. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

### **Bridge #255 Design: (Tape 1, #276)**

Bonnie and Ron Renner, 23015 Six Points Road, Sheridan. Mrs. Renner addressed the issue of the right-of-way taking in front of their home and the widening of Bridge #255. The Renner's had requested the installation of a timber railing, not the steel railing as designed. They have done some investigating and have found a timber rail that has been crash tested that could be implemented. Ms. Renner showed pictures of the railing and location of their house. Mr. Matt Knight stated there are issues that are unique to this bridge. This is a bridge on an arterial road, with a 55 mph design speed. From the beginning we have represented that we would want to put in a crash tested and federally approved guardrail system because of the design characteristics. The railing proposed by the Renner's is a crash tested rail wood railing system with a glue laminated railing. It is crash tested with a PL1 performance rating. It is approved as a bridge rail that has to be attached to the side of a wood bridge or a concrete bridge deck. We have neither on this bridge because of the culvert underneath. There is no rail to use on this system without changing the type of structure that we are putting in. There is one crash tested approved rail that is steel backed timber rail. The front of the rail looks timber but the back side is a steel plate. It is almost two to three times more expensive. It would be difficult to adapt it to go over a large culvert. We are putting in a 32' span. The general consensus from the public meetings was that a culvert would be the least intrusive option. Our options are to put in a crash tested regular double beam guardrail. There are different types that we can look at. We have to watch for the public safety. We recommend keeping a rail. We have offered the compromise of planting trees along the right-of-way to help screen the rail from the Renner's view. Holt asked why can you mount a weathered steel rail on a wooden post but you can't mount a wood rail on a wood post? Mr. Knight stated the guardrail acts a system, the whole system needs to work together to absorb the force of the crash. The wood posts along with the wood rail often times are too stiff to absorb the crash. The metal has a little more give to it. When the vehicle hits steel posts, it will bend. When the vehicle hits wood posts, they shear off. Holt asked why will it work on a bridge deck and not on a culvert? Mr. Knight stated we are looking at a arch culvert which is not a flat surface. You can not anchor anything into it. Holt asked why can't you make the posts different heights? Mr. Knight stated you could do that, but this is not what this is crash tested as. Mr. Locke stated on the wood rail about every third or fourth post has four sets of bolts, which means that there is a joint in the wood rail. Every time you have a joint in a wood rail, that allows on impact for that to split away which are susceptible of coming through the windshield of the car going through the front widow right though the back window. The metal makes the wood rail uniform, it does not split at the joints, it does act as an entire system to deflect and not just splinter and break. Holt asked if you used a wood rail with a steel backing, the wood would be cut in enough locations that you would get the arched effect? Mr. Locke stated it is not the number of points that it is cut, as much as the joint is held together in the event of an impact. Discussion followed.

Holt asked what is the time line? Mr. Knight stated we have acquired all right-of-way except the Renner's. Once we have all the right-of-way we are ready to go. We would let it late this year and have construction in Spring 2003. Holt stated if the Highway Department finds a viable alternative he would like to look at it, he would like the option left open. Ms. Renner asked if they would consider the wood rail with the steel on the back and the back side would be painted. We do not feel we were given all the options, we are willing to take the offer or close to it along with the trees if the rail can be changed, otherwise we will see you in court. Holt asked if the rail with the steel backing was an option? Mr. Locke stated yes, that is estimated at an additional \$30,000.00. Mr. Locke stated he is not sure if that rail has been used in this part of the country and you will have a contractor that is not used to this product. Holt asked if it is for the culvert deck only or the full length? Mr. Knight stated the \$30,000.00 is the additional costs of the WB guardrail. Mr. Knight stated we will still have a design issue if we try to run it over the top of the arched culvert. We would have to look at it before we can say we can do it. Holt asked Ms. Renner if they are expressing interest in that? Ms. Renner stated yes, they could settle on that. Holt asked if we can concur that we want to look at the engineering feasibility of doing that? Mr. Knight asked if we would still want to pursue the trees along the back of right-of-way? Ms. Renner stated that is part of the package.

#### **96th Street Parking: (Tape 1, #1440)**

Ms. Sue Dillon, 507 Cornwall Court, Carmel. Ms. Dillon stated she is Vice President of the Carmel-Clay Parks Board. Mr. Phil Bennett explained that the Carmel-Clay Parks and Recreation owns the property at the corner of 96th Street and Westfield Boulevard. We are proposing to pave over a portion of 96th Street to the west, which is now unimproved. This would add parking to accommodate vehicles which want to come to the park. There is also a trail connection that would connect the park to the Monon Trail, which will provide additional parking for the Monon Trail. The proposed parking would be within the 80' public right-of-way that is already dedicated. Mr. Locke has indicated he has no problem with it, given the understanding that Carmel-Clay Parks would agree to forfeit any rights to any improvement if and when the County decides to improve or extend 96th Street. Mr. Locke stated not knowing any time line, if it 10 to 15 years down the road, they would get their use out of it. The other issue is the drainage about how and where the maintenance would stop. Mr. Locke stated he did ask that they pay for the improvements to redo the signal loops for detection for people coming out of the park. Holt motioned to approve the proposed interlocal agreement. Dillinger seconded. Motion carried unanimously.

#### **Logan Street Bridge Project: (Tape 1, #1662)**

Dillinger stated there is a question on the guardrail on the Logan Street bridge. The crew is getting direction from the Noblesville Engineering Department and the Highway Department on the guardrail. Dillinger stated he believes it is a decision that should have been made by the City of Noblesville and the Commissioners as to what color it should be and whether it should be painted or should not be painted. Mr. Locke stated initially it was the idea to have a green railing, white trim along the top and bottom and something similar to the brick color of the Judicial Center. Subsequent to that there was a misunderstanding on how to spec that and there is controversy with the contractor on what is spec. Mr. Locke stated they do not make the color of what is similar to the Judicial Center. The forms were changed so it looks closer to a boulder type rail. It has always been his goal to make it a premier type project that stands out to what we

can do to make the bridges look better at a decent cost. Mr. Locke stated he feels there should be color on the bridge to make it fit in naturally with the surrounding area. Clark asked what are the maintenance costs? Mr. Locke stated he does not believe there will be a maintenance issue involved, unless it is hit. Dillinger stated he thinks there is a discoloration issue involved. Mr. Knight stated once you put the stain on a clear sealer would be put over it. A clear sealer would be put on no matter what we do. As long as you go over that every year or two, it should hold its color fairly well. Mr. Burroughs stated his concern would be that the darker shades would not reflect the headlights like the white would. Dillinger motioned to leave it the natural white color with the sealer. Holt seconded. Mr. Knight asked if you want to leave it as it is and seal it or put a white masonry coating on it? Dillinger stated leave it natural with the sealer. Motion carried unanimously.

### **Highway Business (Tape 1, #2105)**

#### **Road Cut Permits:**

Mr. Locke requested approval of Open Road Cut Permits. 1) RDCUT 2002-046 - Habitat for Humanity - 6' west of the CL of Combs Street and 305' south of the CL of 105th Street to the east edge of Combs Street for the purpose of sanitary sewer connection for new single family home at Lot 26B, Little Farms. 2) RDCUT 2002-047 - City of Carmel on West 131st Street 1300' east of the intersection of Shelborne Road and West 131st Street for transmission main to increase the water service area for the City of Carmel. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

#### **Release of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested the Release of Bonds and Letters of Credit for the Highway Department: 1) HCHD #B-00-0077 - Fidelity and Deposit Company Performance Bond No. 08493268 issued on behalf of Brenwick Development Company, Inc. for resurface of 131st Street from Towne Road to Clay Center Road. 2) HCHD #B-01-0149 - Fidelity and Deposit Company Subdivision Bond No. 08596534 issued on behalf of Brenwick Development Company for The Village of West Clay, Section 6502 for asphalt and curbs. 3) HCHD #B-02-0003 - Gulf Insurance Company Subdivision Bond No. B21851379 for curbs, streets and signs in Long Branch Estates, Section 1 on behalf of Northside Investments. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested the acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-99-0079 - Nationwide Mutual Insurance Company Continuation Certificate #BDA0000431186 issued on behalf of A-1 Superior Excavating, Inc. to now expire August 16, 2003. 2) HCHD #B-00-0092 - Ohio Casualty Insurance Company Bond #3-659-824 issued on behalf of Les Locke in the sum of \$48,500 to now expire August 6, 2003. 3) HCHD #B-02-0091 - Ohio Farmers Insurance Company Performance Bond #5887852 issued on behalf of Shelly & Sands in the sum of \$149,816 for right-of-way decel and acceleration lanes with shoulder, onsite stone base and asphalt paving - Shelborne Park, Section 1, to expire August 21, 2004. 4) HCHD #B-02-0092 - Ohio Casualty Group Performance Bond #3-691-716 issued on behalf of Advanced Concrete, LLC in the sum of \$74,674.55 for curbs in Shelborne Park, Section 1, to expire August 23, 2004. 5) HCHD #B-02-0093 - Ohio Casualty Group Maintenance Bond #3-691-716 issued on behalf of Advanced Concrete, LLC in the sum of \$74,674.55 for curbs in Shelborne Park, Section 1, to expire August 23, 2004. 6) HCHD #B-02-0094 - Gulf Insurance

Company Maintenance Bond #B21864642 issued on behalf of Northside Investments LLC in the sum of \$40,253.02 for streets and curbs, Long Branch Estates, Section 1, to expire August 28, 2004. 7) HCHD #B-02-0095 - Atkins Excavation, Inc. Permit Bond #LPM08537084 issued on behalf of Atkins Excavation, Inc. in the sum of \$5,000 for water line at 13011 Water Ridge Dr., McCordsville, IN - to expire September 4, 2003. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

#### Agreements

Bridge #11048, Clay Center Road over Will Creek Engineering Agreement:  
Mr. Locke requested approval of Engineering Agreement HCHD #E-02-0012, with USI Consultants, Inc. for Bridge #11048, Clay Center Road over Will Creek. Dillinger motioned to approve. Holt seconded. Holt asked that wood rails be an option that USI look at. Motion carried unanimously.

#### Correspondence

Highway Project Status Report:  
Mr. Locke asked if there were any questions on the Highway Project Status Report. No comments.

#### Acceptance of Right-of-Way

Bridge #181 Project:  
Mr. Locke requested acceptance of the Dedication of Public Right-of-Way from Hamilton Southeastern Schools for Bridge #181 on Promise Road. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

166th Street:  
Mr. Locke requested acceptance of the Dedication of Public Right-of-way from the Little Eagle Creek Christian Church on the south side of 166th Street. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

#### Condemnation of Parcels

Bridge #255, Six Point Road over Teter Branch:  
Mr. Locke requested approval to proceed with condemnation of a parcel for Bridge #255, Six Points Road over Teter Branch. Parcel #03 Ronnie G. & Bonita G. Renner for .303 acres +/- of permanent right-of-way and .009 acres +/- of temporary right-of-way. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Bridge #104, 226th Street over Jones Ditch:  
Mr. Locke requested approval to proceed with condemnation of parcels for Bridge #104, 226th Street over Jones Ditch in Jackson Township. Parcel #02 - David D. & Lisa R. Christy for .406 acres +/- of permanent right-of-way. Parcel #04 - Fred & Ann Day for .268 acres +/- of permanent right-of-way and .021 acres +/- of temporary right-of-way. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

#### 116th Street and Ditch Road Intersection Project:

Mr. Locke requested approval to proceed with condemnation of a parcel for the 116th Street & Ditch Road Intersection Project for Parcel #05 - Anita C. Inlow for .024 acres +/- of permanent right-of-way. Dillinger motioned to approve. Clark seconded. Dillinger and Clark approved. Holt abstained. Motion carries.

#### Permission to Advertise

Resurface Contract 02-6, 96th Street & Shelborne Road:

Mr. Locke requested approval to advertise for Resurface Contract 02-6, 96th Street & Shelborne Road. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Clark called a break at 3:20 pm. Clark called the meeting back to order at 3:35 pm.

Ordinance 9-9-02-A, Amend Zoning Ordinance:

Mr. Chuck Kiphart requested approval of Ordinance 9-9-02-A, To Amend the Zoning Ordinance, Hamilton County, White River Township, Hamilton County, Indiana for Mike and Gloria Johnson, 22645 Overdorf Road to rezone 2.7 acres +/- from C-2 to A-2. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

#### **Commissioner Committee Reports (Tape 2, #110)**

Web Site:

Ms. Diana Cleland showed the new design of the Hamilton County Web site.

E911 Radio Frequencies Interlocal Agreement:

Mr. Howard presented the interlocal agreement with the City of Carmel concerning E911 Frequencies for approval. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

#### **Attorney (Tape 2, #368)**

Ordinance 9-9-02-B, Cash Change Funds for Clerk of Hamilton County:

Mr. Howard requested approval of Ordinance 9-9-02-B, Approving Cash Change Funds for the Clerk of Hamilton County. This would increase the amount of the Clerk's cash drawers to \$200.00. Dillinger motioned to suspend the rules. Holt seconded. Motion carried unanimously. Holt motioned to approve Ordinance 9-9-02-B. Dillinger seconded. Motion carried unanimously.

Ordinance 9-9-02-C, County Safety Management Policy

Mr. Howard requested approval of Ordinance 9-9-02-C, Approving Part of the Hamilton County Safety Management Policy (Emergency Action Plan). Dillinger motioned to suspend the rules. Holt seconded. Motion carried unanimously. Dillinger motioned to approve Ordinance 9-9-02-C on first reading. Holt seconded. Motion carried unanimously.

#### **Administrative Assistant (Tape 2, #477)**

EMS Vehicle Title:

Mr. Tom Firks requested the Commissioner's signature on the title for the EMS vehicle that was totaled in a traffic accident. Holt motioned to approve. Dillinger seconded. Motion carried



unanimously.

**Precinct Changes:**

Mr. Swift requested to adopt the changes in polling places for Noblesville precincts 8, 16 & 32 and South Westfield. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**HCAT Bikeway Crossing Signs:**

Mr. Swift requested approval of the establishment of bikeway crossing signs on SR 19, US 31 & SR 38. Holt motioned to authorize President Clark to sign the documents. Dillinger seconded. Motion carried unanimously.

**Helford Drive Temporary Street Closure:**

Mr. Swift stated the residents of Helford Drive in Claridge Farms are requesting a temporary closing of their street on September 14, 2002 for a neighborhood block party. The Sheriff's Department has given their approval pending approval by the Commissioners. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Visitors & Convention Bureau Commission Appointment:**

Mr. Swift requested an appointment for the Visitor's & Convention Bureau Commission to replace Rick Haeick. Holt motioned to appoint Yvonne Todd. Dillinger seconded. Motion carried unanimously.

**Auditor (Tape 2, #668)**

**Denial of 17T, Claim for Refund:**

Ms. Robin Mills requested the Commissioners deny a 17T Claim for George W. & Arleen Marie Lotter, per IC6-1.1-26-4 so the taxpayers may continue their appeal process to the State. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Resolution 9-9-02-1, Cumulative Bridge Fund Levy:**

Ms. Mills requested approval of Resolution 9-9-02-1, to set the 2003 Cumulative Bridge Fund Levy. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of the Vendor Claims to be paid September 10, 2002. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Payroll Claims:**

Ms. Mills requested approval of Payroll Claims for the period of August 17-31 to be paid September 13, 2002. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Sheriff's Compensation Agreement:**

Ms. Mills requested approval of the Compensation Agreement in Lieu of the Statutory Fees between the Sheriff and Hamilton County at the new rate of \$99,920.00 as approved by the Personnel Committee, subject to funding. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Liability Trust Claim:  
Ms. Mills requested approval of a Liability Trust Claim payable to Miller's Auto Body in the amount of \$891.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Clark adjourned the meeting at 4:00 pm.

### **Commissioner Correspondence**

City of Carmel - Notice of Annexation  
Thomas O'Brien Letter re: Fall Creek Township Assessor's Office

IDEM Notice of Public Comment:  
Milestone Contractors LP

IDEM Notice of Sewer Permit Application:  
Oak Ridge Crossing, Westfield  
106th Street Interceptor and Lift Station, Fishers  
Bridgewater Club Subdivision, Westfield

IDEM Notice of Appeal Rights:  
Spyglass Hill Subdivision, Fishers  
Geist Overlook, Section 4, Fishers

### **Present:**

Sharon R. Clark, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Executive Secretary to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Wayne A. Farley, Sheriff's Deputy  
Tom K. Stevens, Highway Director  
Les Locke, Highway Engineer  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Kathy Howard, Hamilton County Highway Department  
Patricia Ogden, Highway Public Service Representative  
Jim Neal, Highway Project Engineer  
Dave Lucas, Highway Inspector  
Robert Chadwell, Highway Inspector  
Mark Fisher, Highway Technical Engineer  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Transportation Development Engineer  
Matt Knight, Highway Staff Engineer  
Mike McBride, Small Structure Staff Engineer  
Dustin Teachnor, Highway Assets Manager  
Faraz Hahn, Highway Department

Judy Levine, County Council  
Bonnie & Ron Renner, Bridge #255 Design  
Brett Quandt, Quandt, Inc.  
David Quandt, Quandt, Inc.  
Becki Wise, USI  
Ron McCaslin, First Group Engineering  
Floyd Burroughs, Floyd E. Burroughs & Associates  
Jerry Larrison, Beam, Longest & Neff  
Bob Gray, Floyd E. Burroughs & Associates  
Jon Lenglade, Floyd E. Burroughs & Associates  
Deb Grisham, Carmel-Clay Parks Board Attorney  
Sue Dillon, Carmel-Clay Parks Board Vice President  
Phil Bennett, Carmel-Clay Parks Board  
Sheryl Batliner, Atlas Excavating, Inc.  
Jeff Rushforth, Safety Risk Manager  
Mike Johnson  
Diana Cleland, ISSD  
Julie Crask, ISSD  
BJ Casali, ISSD  
Tom Firks, EMS